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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/330,519	06/11/1999	MICHAEL D. ELLIS	UV-52	9514

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EXAMINER
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TRAN, HAI V

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/330,519	<b>Applicant(s)</b> ELLIS ET AL.	
	<b>Examiner</b> Hai Tran	<b>Art Unit</b> 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-125 is/are pending in the application.
- 4a) Of the above claim(s) 1-50,57,59,82,84,107 and 109 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 51-56,58,60-81,83,85-106,108 and 110-125 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 50-125 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 51-52, 54-56, 58, 60-77, 79-81, 83, 85-102, 104-106, 108 and 110-125 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. (US 6240555) in view of Matthews, III et al. (US 6025837).

Claim 51, Shoff discloses an interactive television program guide system in which an interactive program guide is implemented on a user TV equipment of a plurality of users (Cached; Fig. 5, el. 104; Col. 7, lines 5-8), comprising:

Local memory 96 that is configured to store program guide data for use by the interactive TV program guide (Col. 7, lines 5-8; Col. 8, lines 7 and lines 38-44); and

Remote memory (Fig. 2, el. 54) at a remote location 22 that is configured to store supplemental data for access by the interactive TV program guide (Fig. 3),

Shoff does not clearly disclose “wherein when a user’ s actions in navigating through the interactive television program guide (EPG) are indicative of a potential upcoming need for a given portion of the supplemental data and the system automatically supplies the given portion of the supplemental data from the remote memory to the interactive TV program guide in advance of the upcoming need”

Matthews discloses wherein when a user’ s actions in navigating through the interactive television program guide (EPG) are indicative of a potential upcoming need for a given portion of the supplemental data and the system automatically supplies the given portion of the supplemental data from the remote memory to the interactive TV program guide in advance of the upcoming need” (Col. 9, lines 49-Col. 10, lines 13). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shoff with Matthew so to improve the access time of additional information in which additional information is pre-cached at local memory of the receiver.

Claim 52, Shoff further discloses a TV distribution facility (Fig. 2 and 4) configured to distribute TV programming to the users’ equipment (Abstract; Col. 4, lines 16-18).

Claims 54-56 and 79-81, Shoff further discloses

The supplemental data includes detailed program descriptions for at least some of the program listings (Col. 5, lines 17-23)

Program schedule listing stored in the local memory can be accessed more rapidly with IPG than the supplemental data stored in the remote memory (Col. 7, lines 3-8);

Access supplemental data stored at the headend requires a second memory lookup (Col. 6, lines 17-29).

Claim 58, Shoff in view of Matthews further discloses the user's actions with the interactive TV program guide involve viewing certain program listings (Matthews Col. 10, lines 6-65+).

Claims 60-62, Shoff further discloses wherein the supplemental data includes an application (Col. 10, lines 53-58 and Col. 11, lines 67-Col. 12, lines 11); wherein the application is user selectable option (Col. 11, lines 1-11); wherein the application is launched automatically by the program guide (Col. 10, lines 18-58).

Claims 63-64, 67, and 69, Shoff further discloses

The supplemental data includes real-time information; the real-time information is overlaid on the TV program by the program guide on an on-going basis; wherein the

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supplemental data is displayed automatically by the program guide as soon as it is available (Col. 10, lines 53-58 and Col. 11, lines 59-65; Online Trivia game is real-time and is displayed as it is available).

Claims 65-66, Shoff further discloses wherein the supplemental data includes an Internet address; the IPG displays the Internet address as a link (Col. 6, lines 24-48);

Claim 68, Shoff (Col. 9, lines 35-40, 54-59, 66-67 and col. 10, lines 1-3) in view of Matthews (Col. 10, lines 5-65+) further discloses wherein the supplemental data is requested on-demand by the user 's actions with the IPG;

Claims 70-75, Shoff further discloses wherein the supplemental data includes biographies. (Col. 11, line 30); video clips, audio clips, still images, bitmaps (col. 5, line, 18 and 51); Trivia (Col. 53-58; Col. 11, lines 39-44); Advertisements (Col. 5, line 21).

Claim 76, the method is analyzed with respect to system claim 51.

Claim 77, the method is analyzed with respect to system claim 52.

Claim 83, the method is analyzed with respect to system claim 58.

Claims 85-87, the method are analyzed with respect to system Claims 60-62 respectively.

Claims 88-89, 92, and 94, the method are analyzed with respect to system Claims 63-64, 67, and 69 respectively.

Claims 90-91, the method are analyzed with respect to system Claims 65-66 respectively.

Claim 93, the method is analyzed with respect to system Claim 68.

Claims 95-100, the method are analyzed with respect to system Claims 70-75 respectively.

Claims 101-102, apparatus claims are analyzed with respect to method claims 51-52.

Claims 104-106, apparatus claims are analyzed with respect to method claims 54-56.

Claim 108, apparatus claim are analyzed with respect to method claim 58.

Claims 110-112, apparatus claim are analyzed with respect to method Claims 60-62.

Claims 113-114, 117, 119 apparatus claim are analyzed with respect to method Claims 63-64, 67, 69, 88-89, 92, 94.

Claims 115-116, apparatus claim are analyzed with respect to method Claims 65-66.

Claim 118, apparatus claim is analyzed with respect to method Claims 68 and 93.

Claims 120-125, apparatus claim are analyzed with respect to method Claims 70-75 and 95-100.

2. Claims 53, 78 and 103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. (US 6240555) in view of Matthews, III et al. (US 6025837) and further in view of Davis (US 5559548).

Claim 53, Shoff discloses an apparatus and method of interactive program guide (IPG) as claimed, wherein the headend is configured to distribute TV programming to plurality of users as described in Abstract and Col. 4, lines 16-18;

Remote memory is located at the headend (Fig. 2, el 44; Col. 5, lines 6-23);

Shoff in view of Matthews does not clearly disclose a main facility configured to provide program guide data to the headend for re-distribution to local memory.



However, Matthews discloses a main facility configured to provide the supplemental data to the remote memory (Col. 9, lines 49-Col. 10, lines 13)

Davis discloses a main facility configured to provide program guide data to the headend for re-distribution to local memory (Col. 9, lines 39-49 and Col. 18-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shoff in view of Matthews to include a main facility, as taught by Davis, so to enable distribution of program guides, advertisements and promotions from a central location to plurality remote locations while allowing insertion of schedule listings and additional information, i.e. commercials that are targeted to specific locales at the headend.

Claim 78, method claim is analyzed with respect to system claim 53

Claim 103, apparatus claim is analyzed with respect to system claim 53.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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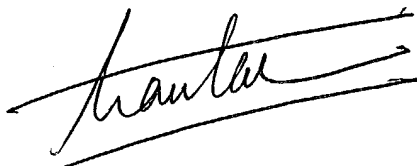
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is 703-308-7372. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 703-305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht  
10/15/2004

A handwritten signature in black ink, appearing to read 'Hai Tran', is written over two horizontal lines.

HAI TRAN  
PATENT EXAMINER